

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

SHERRY SINGER ET AL,

No. C 15-01284 JSW

Plaintiff,

**ORDER VACATING HEARING AND
REQUIRING JOINT STATEMENT**

v.

POSTMATES, INC.,

Defendant.

Pursuant to Civil Local Rule 7-1(b), the Court finds that Plaintiffs' motion for notice to be issued to similarly situated employees pursuant to 29 U.S.C. section 216(b) (Docket No. 15) and Defendant's motion to dismiss Counts X and XI of Plaintiffs' First Amended Complaint with prejudice (Docket No. 33), which have been set for hearing on Friday, September 25, 2015 at 9:00 a.m., are appropriate for decision without oral argument. Accordingly, the Court VACATES the September 25, 2015 hearing. The pending motions will be taken under submission and decided on the papers.

The parties have stipulated "that the statute of limitations pertaining to the time available to any similarly situated employees to opt out will toll according to the originally noticed July 2, 2015 hearing date," and on June 5, 2015, the Court entered an order approving the parties' stipulation (Docket No. 26). Within 7 days after the date of this order, the parties shall file a joint statement stating, briefly, whether the parties' stipulation is that: (1) the statute of limitations is tolled until the Court rules on Plaintiffs' motion for notice to be issued to similarly situated employees; (2) the statute of limitations is tolled through September 25, 2015; or (3) the statute of limitations is or was tolled through some other date.

1 The Court also VACATES the initial case management conference set for Friday, September
2 25, 2015 at 11:00 a.m. The case management conference shall be reset by further order.

3 **IT IS SO ORDERED.**

4 Dated: September 21, 2015


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE